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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/555,718	11/07/2005	Josef Laumen	112740-1107	2066
29177 7590 12/29/2006 BELL, BOYD & LLOYD, LLC P. O. BOX 1135 CHICAGO, IL 60690-1135			EXAMINER NGUYEN, TUAN HOANG	
			ART UNIT	PAPER NUMBER
			2618	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		12/29/2006	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/555,718

Applicant(s)

LAUMEN ET AL.

Examiner

Tuan H. Nguyen

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 11/07/2005 has been considered by Examiner and made of record in the application file.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7 and 10-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Robert David Stevens (UK Application GB 2 336 975 A, hereinafter, "Stevens").

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Consider claim 1, Stevens teaches a method for delayed entering into a conversation or renewed entering into a conversation by at least one radio communication device (MS1) into an already existing push-to-talk group discussion (PT) of a number of radio communication devices (MS2, MS3, MS4), of which the issued conversation totals (GB1 to GB4) have been stored previously in at least one intermediate exchange unit (SV), in that one or more missed conversation totals (GB1 to GB4) are transmitted from the exchange unit (SV) to the radio communication device (MS1) entering the push-to-talk group discussion (PT) late and are reproduced on this device (page 1 lines 24-37 and page 2 lines 13-35).

Consider claim 2, Stevens further teaches in that for the relevant late entry radio communication device (MS1) at least one conversation total (GB1) already stored in the exchange unit (SV) is played back at higher playback speed when it is reproduced (page 4 line 30 through page 5 line 14).

Consider claim 3, Stevens further teaches characterized in that for the relevant late entry radio communication device (MS1) pauses between the individual conversation totals (GB1, GB2) already stored are shortened or omitted when these totals are reproduced (page 9 lines 10-34).

Consider claim 4, Stevens further teaches characterized in that for the relevant late entry radio communication device (MS1) pauses within the relevant stored

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conversation total (GBI) are shortened or omitted when it is reproduced (page 9 lines 10-34).

Consider claim 5, Stevens further teaches characterized in that status information is signalled to the relevant late entry radio communication device (MSI) with the aid of at least one control signal (OM) from the exchange unit (SV) as to the total offline time (OF) which is predicted to elapse for the reproduction of the stored conversation totals (GBI to GB4) until the current status of the push-to-talk group discussion (PT) is reached or whether the current status of the push-to-talk group discussion (PT) has already been reached and active participation in the current push-to-talk group discussion (PT) in realtime is enabled (page 4 lines 3-29).

Consider claim 6, Stevens further teaches characterized in that the exchange unit (SV), on determination of the relevant remaining overall offline time (OF) predicted to elapse for reproduction of the stored conversation totals (GBI to GB4) until the current status of the push-to-talk group discussion (PT) is reached, also calculates in the playback times for further new conversation totals (GB5, GB6) arriving in the interim, and that the updated overall playback time is signalled by the exchange unit (SV),, after entry of the relevant new conversation totals (GB5, GB6) to the late entry radio communication device (MS1) (page 14 lines 6-24).

Consider claim 7, Stevens further teaches characterized in that realtime participation in the current push-to-talk group discussion (PT) for sending its own conversation totals for the late entry radio communication device (MS1) is only enabled by the exchange unit (SV) with the aid of at least one control signal (FS) and this status indicated to the user of the radio communication device (MS1), if all or some of the already stored conversation totals (GB1 to GB4) have been played back or have been skipped entirely or in part instead of being reproduced (page 14 lines 6-24).

Consider claim 10, Stevens further teaches characterized in that the late entry radio communication device (MS1) transfers one or more selected control commands (TH) for influencing the reproduction of one or more stored conversation totals (GB1 to GB4) to the exchange unit (SV), and that the relevant control command (TH) selected there is executed on the relevant stored conversation total (GB1) when it is retrieved (page 6 lines 13-33).

Consider claim 11, Stevens further teaches characterized in that a mobile radio device is used as the relevant radio communication device (MS2 to MS4) (page 3 lines 11-24).

Consider claim 12, Stevens further teaches method for provision of information in accordance with one of the previous claims, characterized in that the transmission path (li) between the exchange unit (SV) and the radio communication device (MS1) involved

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in the relevant push-to-talk group discussion (PT) includes an air interface (page 7 line 28 through page 8 line 20).

Consider claim 13, Stevens further teaches radio communication device (MS1) with a control unit (CON) (page 11 lines 28-33).

Consider claim 14, Stevens further teaches exchange unit (SV) with a control device and a memory device (SE, SP) (page 13 lines 8-13).

Consider claim 15, Stevens further teaches radio communication network with at least one exchange unit (SV) with a control device and a memory device (SE, SP), with the aid of which for a push-to-talk group discussion (PT) of a number of radio communication devices (MS2 to MS4) (page 7 line 28 through page 8 line 20).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens in view of Wilson et al. (U.S. PUB. 2004/0202117 hereinafter, "Wilson").

Consider claim 8, Stevens teaches a method for delayed entering into a conversation or renewed entering into a conversation by at least one radio communication device (MS1) into an already existing push-to-talk group discussion (PT) of a number of radio communication devices.

Stevens does not explicitly show that characterized in that the exchange unit (SV) transfers to the late entry radio communication device (MS1) with the aid of at least one control signal (LS) a list (LI) of the already stored conversation totals (GB1 to GB4) of the radio communication devices (MS2 to MS4) already involved in the push-to-talk group discussion (PT).

In the same field of endeavor, Wilson teaches characterized in that the exchange unit (SV) transfers to the late entry radio communication device (MS1) with the aid of at least one control signal (LS) a list (LI) of the already stored conversation totals (GB1 to GB4) of the radio communication devices (MS2 to MS4) already involved in the push-to-talk group discussion (PT) (pages 3 and 4 [0044] through [0047]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, characterized in that the exchange unit (SV) transfers to the late entry radio communication device (MS1) with the aid of at least one control signal (LS) a list (LI) of the already stored conversation totals (GB1 to GB4) of the radio communication devices (MS2 to MS4) already involved in the push-to-talk group discussion (PT), as taught by Wilson, in order to provide an improved messaging system that permits inter-carrier instant messaging (IM) with push-to-talk functionality, as well as push-to-talk IM between wireless mobile terminals and networked computers.



Consider claim 9, Wilson further teaches characterized in that the exchange unit (SV) transfers to the user interface on the relevant late entry radio communication device (MS1) with the aid of at least one control signal (SS) a selection list (SB) for selecting one or more control commands (SK, RE, TH, TR), which are used for influencing the reproduction of one or more stored conversation totals (GB1 to GB4) when called up from the exchange unit (SV) (page 6 [0066]).

### ***Conclusion***

7. Any response to this action should be mailed to:

Mail Stop\_\_\_\_\_ (Explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

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Facsimile responses should be faxed to:

(571) 273-8300

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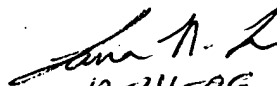
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571) 272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information Consider the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tuan Nguyen  
Examiner  
Art Unit 2618

  
12-24-06  
LANA LE  
PRIMARY EXAMINER